

Filed for intro on 02/01/2001
SENATE BILL 781 By
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HOUSE BILL 829
By Fowlkes

AN ACT to amend Tennessee Code Annotated, Title 3 and Title 4,
relative to creation of a council on literacy.

WHEREAS, the 2000 report, Teaching Kids to Read: Is Tennessee Doing Enough?,
which was prepared by the Comptroller of the Treasury in response to Chapter 130, Public Acts
of 1999, reported troubling national research and conclusions, including the following:

- * students who cannot read at grade level by the end of the third grade have continuing
difficulties in school, perform poorly in other subjects, and may never graduate;
- * low levels of literacy are powerful predictors of welfare dependency and incarceration
and their high costs; and
- * nearly 40 percent (40%) of adjudicated juvenile delinquents have treatable learning
disabilities that were overlooked and went untreated in school; and

WHEREAS, the National Assessment of Education Progress ("NAEP") report found that
in 1992, 1994, and 1998, at least 42% of Tennessee's fourth graders performed below the basic
level and another 31% performed at the basic level; and

WHEREAS, the 1999 Tennessee Comprehensive Assessment Program ("TCAP") data indicated that seventy percent (70%) of the state's fifth graders were below proficient, and sixty percent (60%) of eighth graders failed to achieve proficiency; and

WHEREAS, states that have maintained good reading scores or raised their reading scores over time have established reading as a policy priority; and

WHEREAS, Tennessee is the only Southeastern state without a state-funded reading initiative; while the Tennessee Department of Education launched its "Tennessee Come Read with Me" initiative in 1998, the effort is unfunded and the state lacks a reading infrastructure; and

WHEREAS, it is necessary and appropriate for this state to establish literacy as a policy priority; and

WHEREAS, a council is needed to develop recommendations for the support of public and private sector initiatives to improve child literacy; to identify funding sources; to develop criteria for the solicitation, review and approval of grant applications; to monitor and evaluate local literacy programs and support replication of such local efforts, and to engage in other activities to promote literacy; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) The Tennessee Council on Literacy, hereinafter referred to as the "literacy council," or "council," is created.

(b) The literacy council shall be composed of twenty-one (21) members, as follows:

(1) Five (5) citizen members shall be appointed by the speaker of the senate and five (5) citizen members shall be appointed by the speaker of the house of representatives from a list of nominees recommended by the select committee on children and youth. Of the ten (10) citizens chosen by the general assembly, four (4)

shall serve an initial four (4) year term, three (3) an initial three (3) year term, and three (3) an initial two (2) year term.

(2) Six (6) members shall be appointed by the governor from a list of nominees recommended by the select committee on children and youth. Of the members chosen by the governor, two (2) shall serve an initial term of four (4) years, two (2) shall serve an initial term of three (3) years, and two (2) shall serve an initial term of two (2) years.

(3) One (1) senator shall be appointed by the speaker of the senate and one (1) representative shall be appointed by the speaker of the house of representatives; each shall serve an initial term of four (4) years and shall serve as an ex officio, non-voting member.

(4) The executive director of the state board of education shall serve as a member for an initial term of five (5) years.

(5) The chairman and the executive director of the select committee on children and youth shall serve as members for an initial term of five (5) years. The chairman shall serve as an ex officio, non-voting member.

(c) Any members may serve successive terms of office. The appointing authorities shall ensure that their appointments broadly represent the community in such areas as age, gender, minority groups, economic levels and political affiliation. The appointing authorities shall choose individuals who will promote literacy, share existing expertise and work to effectuate the goals of this act.

(d) The members shall serve without pay, but may be compensated for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration. Legislative members are entitled to be reimbursed for their expenses in attending meetings of the committee or any subcommittees at the same rates and in the same manner as when attending the general assembly.

SECTION 2. The literacy council shall be served by a full-time executive director who shall be appointed by joint action of the speakers of the senate and the house of representatives. The executive director shall serve at the pleasure of the speakers. The executive director shall have the authority to employ an office assistant and shall be provided an office and support reasonably necessary to carry out the duties created by this act.

SECTION 3.

(a) The literacy council shall meet as necessary to transact business; provided, that meetings shall be held at least quarterly. The first meeting shall be held within thirty (30) days of completion of appointment of members. Special meetings may be called by the chair or by the executive director. All members shall be duly notified of the time and place of any regular or special meeting at least fourteen (14) days in advance of such meeting. All meetings shall be open to the public and may be conducted by telephone conference call with speakerphones or by electronic conferencing.

(b) The members shall elect at the first regular meeting a chair, a vice-chair, and three (3) representatives, one (1) from each of the grand divisions of the state, which shall comprise the five (5) member executive committee to function between quarterly meetings. Such officers shall serve in that capacity for a period of at least two (2) years. The executive committee shall carry out matters delegated to it by the chairman or the full body.

(c) The literacy council shall promulgate bylaws to provide for the election of officers and the establishment of committees, meetings and internal procedural processes. The council is authorized to promulgate rules and regulations to effectuate the purposes of this act. Any such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act of title 4, chapter 5. The majority of the members of the council shall constitute a quorum and the concurrence of

a majority of those present and voting in any matter within its duties shall be required for a determination of matters within its jurisdiction.

SECTION 4.

(a) The purpose of the council is promotion of literacy and improvement in literacy levels of Tennessee elementary students by providing a forum for the sharing of expertise, support of pilot programs, development of funding and recommendation of policy. The council shall focus upon literacy among Tennessee elementary students and may engage in activities related to the literacy needs of adult citizens.

(b) The council shall:

(1) develop criteria for the solicitation and review of grant applications and the award of grants for pilot programs funded under this act; such criteria and review shall be performed by the executive director and staff;

(2) develop a process for, and supervise, the monitoring and evaluation of such pilot programs by the executive director and staff;

(3) identify and publicize successful local and state programs as well as those from other states;

(4) support replication of successful programs;

(5) facilitate communication among state, local and federal entities involved in literacy initiatives;

(6) work with private and public organizations to develop strategies to publicize the problems of literacy and the services available to address such problems and to promote initiatives to improve literacy levels; and

(7) work closely with the Tennessee Department of Education, the State Board of Education, and the Office of Education Accountability of the Office of the Comptroller in support of their duties related to literacy of Tennessee children.

SECTION 5.

(a) Subject to the availability of state funds, the council shall award grants in the amount of up to the twenty-five thousand dollars (\$25,000) per grant for the sole purpose of establishing pilot programs to enhance literacy among Tennessee elementary school students. Such grants shall not, in the aggregate, exceed the amount of two hundred fifty thousand dollars (\$250,000) for fiscal year 2000-2001, except to the extent funds are received from sources other than state appropriations. The council is authorized to apply for, solicit and receive funds from the federal government and private sources to fulfill its duties under this act.

(b) In selecting pilot program grantees, the council shall consult with the Department of Education and shall give emphasis to innovative community-based programs.

SECTION 6. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriation act.

SECTION 7. The council shall consult with and advise the governor, the general assembly and relevant entities related to issues pertaining to literacy. Furthermore, the council may request and receive assistance from departments and agencies of state and local governments to enable it to properly carry out its duties and powers.

SECTION 8. The council shall submit an annual report to the governor and the general assembly no later than January 30, 2001. Annual reports shall be submitted no later than January 30 each year thereafter while the council remains in effect, including a cumulative report by January 30, 2007. Such report shall summarize the council's activities for the preceding year along with any recommendations or comments the council deems appropriate. A copy of said report shall be published and made available to the public and to education related entities.

SECTION 9. This act shall expire June 30, 2006.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.